

# Senate Study Bill 1158 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON EDUCATION BILL BY  
CHAIRPERSON QUIRMBACH)

## A BILL FOR

1 An Act relating to the contract bidding process for  
2 construction projects of educational institutions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 26.2, Code 2015, is amended by adding the  
2 following new subsections:

3 NEW SUBSECTION. 01. "*Construction manager*" means a person  
4 with substantial discretion and authority to plan, coordinate,  
5 manage, and direct all phases of a construction project, but  
6 does not mean a person who provides architectural, landscape  
7 architectural, or engineering design services, or who actually  
8 performs construction work on the project.

9 NEW SUBSECTION. 001. "*Educational institution*" means the  
10 state board of regents or a public school corporation.

11 NEW SUBSECTION. 1A. "*General contractor*" means a person who  
12 engages in the business of construction, but does not include  
13 a construction manager.

14 NEW SUBSECTION. 3A. "*Public school corporation*" includes  
15 a community college as defined in section 260C.2, an area  
16 education agency established under section 273.2, and a school  
17 district as described in section 274.1.

18 Sec. 2. Section 26.2, subsection 2, Code 2015, is amended  
19 to read as follows:

20 2. "*Governmental entity*" means the state, political  
21 subdivisions of the state, public school corporations, and all  
22 officers, boards, or commissions empowered by law to enter  
23 into contracts for the construction of public improvements,  
24 ~~excluding the state board of regents and the state department~~  
25 of transportation.

26 Sec. 3. Section 26.7, subsection 2, Code 2015, is amended  
27 to read as follows:

28 2. a. The notice to bidders may provide that bids will  
29 be received for the furnishing of all labor and materials and  
30 furnishing or installing equipment under one contract, or for  
31 parts thereof in separate sections.

32 b. When an educational institution seeks separate bids for  
33 parts of a public improvement project, a general contractor  
34 shall be allowed to submit a bid for the entire public  
35 improvement project.

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EXPLANATION

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The inclusion of this explanation does not constitute agreement with  
the explanation's substance by the members of the general assembly.

3

4 This bill affects public construction projects set for  
5 bidding by educational institutions.

6 Currently, the state board of regents is exempted from Code  
7 chapter 26, the Iowa Construction Bidding Procedures Act,  
8 through a specific exemption in the chapter's definition of  
9 "governmental entity". The bill eliminates this exemption,  
10 thus requiring the state board of regents to comply with the  
11 requirements established by the Code chapter.

12 Currently, when a governmental entity seeks separate bids  
13 for parts of a public improvement project, general contractors  
14 may be prohibited from submitting bids for the project as a  
15 whole. The bill requires general contractors to be allowed  
16 to submit bids for an entire project in instances where the  
17 state board of regents or a public school corporation, such  
18 as an area education agency, a community college, or a school  
19 district, has decided to accept bids for separate parts of the  
20 public improvement project.

21 The bill defines "construction manager", "educational  
22 institution", general contractor", and "public school  
23 corporation".